

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

**AFFIDAVIT**

I, ANTHONY S. PERDUE, being duly sworn, do hereby depose and state as follows:

1. I am a Lieutenant with the West Virginia State Police ("WVSP") currently assigned to the Professional Standards Division.

2. I have been a sworn member of the WVSP for 22 years. I have received training and routinely work in the area of criminal investigation. I graduated from West Virginia State College (now known as West Virginia State University) with an associate degree in Applied Police Science. I have obtained training in criminal investigations, homicide investigations, drug identification, drug investigation techniques, and have completed a 32-week training course at the WVSP Academy. I have supplemented my training by attending various criminal and drug investigative schools through the WVSP, Bureau of Criminal Investigations ("BCI"). I have been stationed in various locations throughout the southern part of West Virginia since 1999. I have been a BCI drug investigator at the U.S. 119 Task Force. I then was stationed at BCI Charleston, West Virginia and then assigned to the FBI Task Force in Huntington, West Virginia. Later, I served as the U.S. 119 Task Force Coordinator before being promoted to First Sergeant over Logan and Mingo Counties in West Virginia. As an investigator, I regularly participate in investigations conducted by other agencies including FBI, DEA, ATF, and IRS, along with other local agencies. I am a certified law enforcement officer in the state of West Virginia. I have investigated and been involved in the successful prosecution of cases in both federal and state courts.

3. This Affidavit is made in support of an application for a criminal complaint and arrest warrant charging STUART DOTSON ("DOTSON"), with a violation of 18 U.S.C. § 1366(b)

That statute makes it illegal for any person to knowingly or willfully damage or attempt to damage the property of an energy facility in an amount that in fact exceeds \$5,000 or would have exceeded \$5,000 if the attempted offense had been completed.

4. The statements in this Affidavit are based in part on information provided by other investigators, state and local law enforcement officers, witnesses, financial records, as well as my own investigation of this matter. Since this Affidavit is being submitted for the limited purpose of securing a complaint, I have not included every fact known to me concerning this investigation.

**BACKGROUND OF INVESTIGATION AND FACTS**  
**ESTABLISHING PROBABLE CAUSE**

5. At all times relevant to this Affidavit, ERP Fuels Property, also referred to as Hobet Beth Station plant ("Hobet Coal Mine") is an energy facility which is located across Boone County and Lincoln County, West Virginia, within the Southern District of West Virginia.<sup>1</sup> 18 U.S.C. 1366(c) defines an energy facility as a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another source of energy. Hobet Coal Mine was an energy facility at all times relevant to this Affidavit.

6. In or around May 2019, DOTSON conspired with other individuals to damage the Hobet Coal Mine, an energy facility. Further, during May 2019, DOTSON conspired with other known and unknown individuals to steal, and did in fact steal, numerous specialized pieces of mining equipment from Hobet Coal Mine. These pieces of equipment were valued at thousands of dollars each.

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<sup>1</sup> ERP Environmental Fund, Inc. ("ERP") is a West-Virginia non-profit corporation engaged in the reclamation of a significant number of former mining permits. All coal produced by ERP is processed at the Hobet Coal Mine.

7. The thefts committed by DOTSON and his co-conspirators caused over \$5,000 of damage to Hobet Coal Mine. DOTSON and others stole a number of electric circuit breakers and starters that the energy facility used to power the plant, as well as to clean, process, load and transport the coal. The May 2019 thefts severely damaged Hobet Coal Mine. Overall, Hobet Coal Mine lost approximately \$300,000 due to stolen and damaged equipment during this time period. Moreover, as a result of this loss, the mine was forced to shut down the processing facility for two weeks, which resulted in additional loss of \$550,000. Hobet Coal Mine also spent \$18,000 to repair the mine during this time.

8. During May and June 2019, DOTSON sold multiple pieces of the stolen mine equipment to a business located in Beckley, Raleigh County, West Virginia.

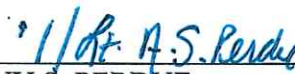
9. During an interview, DOTSON subsequently admitted to law enforcement that he was involved in the May 2019 Hobet Coal Mine thefts.

10. DOTSON's thefts damaged the property of an energy facility in an amount that exceeded \$5,000 in violation of 18 U.S.C. § 1366(b).

**CONCLUSION**

11. Based upon all of the information set forth herein, I respectfully submit that this Affidavit contains probable cause to believe that STUART DOTSON has committed violations of 18 U.S.C. § 1366(b) and has willfully caused at least \$5,000 of damage to an energy facility.

Further your affiant sayeth naught.

  
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ANTHONY S. PERDUE  
LIEUTENANT  
WEST VIRGINIA STATE POLICE

Subscribed and sworn-to by the Affiant telephonically in accordance with the procedures of Rule 4.1 of the Federal Rules of Criminal Procedure, on July 7, 2021.

  
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DWANE L. TINSLEY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA